

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS)
LIABILITY LITIGATION)**

_____)
THIS DOCUMENT RELATES TO:)
)
All Suits Against the Saint Thomas Entities)
)
)
)
)

**MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)**

Notice of Deposition and Subpoena Duces Tecum

Defendants, Saint Thomas West Hospital f/k/a St. Thomas Hospital; Saint Thomas Health; and Saint Thomas Network (collectively the “Saint Thomas Entities”), pursuant to Federal Rules of Civil Procedure 26, 30 and 34, come now and give notice that the oral and videotaped deposition of Plaintiffs’ designated expert, Dr. Erich Joachimsthaler, will be taken on **February 12, 2016**, beginning at 9:00 a.m. (EST) and continuing until completed.

The deposition will take place at 250 Hudson St., 8th Floor, New York, NY 10013. The deposition will be recorded by stenographical means and by video. Attached as **Exhibit A** is a subpoena duces tecum. Please produce all responsive documents by no later than February 5, 2016.

January 22, 2016

Respectfully submitted,

/s/ Sarah P. Kelly
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CERTIFICATE OF SERVICE

I certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing this 22nd day of January, 2016.

/s/ Sarah P. Kelly
Sarah P. Kelly

Exhibit A
Subpoena Duces Tecum

Pursuant to the Federal Rules of Civil Procedure, this will also serve as a request for the Deponent, expert witness Dr. Erich Joachimsthaler, to produce the following documents on February 5, 2016, seven days in advance of his deposition date.

1. Your current resume and CV summarizing your professional qualifications, publications and presentations you have given.
2. Any and all bibliographies of your publications and/or research not included in your resume or curriculum vitae.
3. Any and all articles, publications or other materials you have provided, or for which you have provided citations or other identifying information, to Plaintiffs' counsel and/or any witness in connection with this case.
4. Your entire file in connection with your investigation and/or evaluation of the issue involved in this lawsuit.
5. A copy of your fee schedule and all time records, diaries and/or billing records prepared in connection with you review, investigation and evaluation of the issues involved with this lawsuit.
6. All documents furnished to you for review with reference in this case.
7. All documents you have or will review, refer to or rely upon in arriving at any of your opinions or conclusions, specifically including your opinions in your expert report concerning the issues involved in this lawsuit, including by not limited to all scientific, medical, and/or technical articles, publications, literature, codes, standards, regulations, and guidelines, cited therein, if not already provided in response to Request No. 4, above.
8. Any and all documents or other materials which you contend or will contend in any way discredit or contradict the opinions and/or conclusions of any Defendants' testifying experts and/or which you may use or refer to in any criticisms or disagreements with the opinions and/or conclusions of any of Defendants' testifying experts.
9. All models, illustrations, photographs, other exhibits or documents of any kind which you may use to explain, illustrate or support your testimony at the trial of this case.
10. A list of all legal cases in which you have rendered any opinion in the past five (5) years, including the cause number, style of cause and the name of the attorney who retained you.

11. Any and all reports, diagrams, charts, records, graphs, notes, memoranda, correspondence, compilation of data or any writings or documentation of any kind or description (including but not limited to copies with notations or markings), that you have prepared in this case and/or have reviewed and/or used and/or relied upon in forming your opinions in this case, if not already contained in your file responsive to Request No. 4.
12. All tangible reports, compilations of data or other material prepared by any consulting expert which have been reviewed by you and/or which forms a basis either in whole or in part of your opinions in this case.
13. Copies of any and all contracts or agreements between you and any law firm representing any Plaintiff herein which concerns this case and/or your providing expert services in legal cases.
14. Any and all documents related to “the standards of reliability and validity that are well known” in your field as described on page 5 of your expert report.
15. Any all documents related to the “scientific guidelines or surveys conducted for academic, commercial, and litigation purposes[]” described on page 5 of your expert report.
16. Any and all documents related to the “620 consumers drawn from the general population of Nashville and adjacent counties” described on page 6 and throughout your expert report.
17. Any and all documents related to the survey sample supplied by Research Now Group, Inc.
18. All and all documents related to the “research and studies on brand portfolio and perceived linkage between brands” you reviewed as described on page 47 of your expert report.
19. Any and all document related to the fielding carried out by Research Now Group, Inc. described on page 48 of your expert report.
20. Any and all documents related to Research Now Group, Inc.’s operation of the consumer research panel described on page 48 of your expert report.
21. Any and all documents related to the technical support provided by Respondi as described on page 48 of your expert report, including but not limited to any technical issues handled by Respondi.

22. Any and all documents related to the “carefully designed screening process” described on page 48 of your expert report.